

FILED

APR 24 2023

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY mv  
DEPUTY CLERK

Paul A. Thomas \* AZ-2563  
CSP-SAC  
P.O. Box 290066  
Repres, Ca 95671

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

PAUL A. THOMAS

v.

WARE, et al.,

No. 2:23-CV-00177-TLN-EFB  
PLAINTIFFS OBJECTIONS TO COURTS  
ORDER TO COMPEL § Rule 12/REQUEST  
FOR COURT ORDER.

Plaintiff Paul A. Thomas hereby objects to the Magistrate  
Judges Order dated March 30, 2023 and hereby states:

1. Plaintiff has and continues to try and get into his C-file  
in order to obtain any and or all of the documents the defense  
has request during discovery but without either a Court order directed  
at CSP Sacramento Warden Lynch to have him instruct his Counselor  
who handles the plaintiffs 'C-file' or grant an extension of time  
to the plaintiff so that he can resubmit a CDCR 602 and or submit a  
request for olsen review forms, he will be unable to respond to  
the defendants request. The plaintiff is a willing participant and  
only seeks justice.

1 of 2

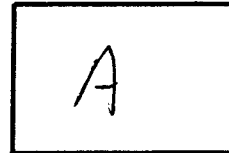
2. On or about 1/6/23 the plaintiff submitted a CDCR 002 and it was logged # 00377170 however the CDCR is unwilling to provide the documents to the plaintiff, again, because they were given to him before this action was filed, they have since been lost. (See Exhibit A "Office of Forensic Science" "OFS 7342")

In Conclusion the plaintiff will need a Court order directed at CSP-SACRAMENTO'S WARDEN LYNN in order to get the documents the defense has requested. Otherwise the Continued request for documents that the plaintiff CANNOT ACCESS on his own authority.

Date: 4/18/23

Signature: P. Thomas

# EXHIBIT COVER PAGE



EXHIBIT

Description of this Exhibit: *CDCR # 7362, Office of Grievances Decision*

Number of pages to this Exhibit: 2 pages.

JURISDICTION: (Check only one)

- ☐ Municipal Court
- ☐ Superior Court
- ☐ Appellate Court
- ☐ State Supreme Court
- ☒ United States District Court
- ☐ State Circuit Court
- ☐ United States Supreme Court
- ☐ Grand Jury

**Decision: Denied**

After a thorough review of all the documents and evidence presented to the Office of Grievances, it is the order of the Office of Grievances to DENY this claim.

If you are dissatisfied with this response you may appeal this decision by mailing the CDCR Form 602-2 included in this response to the California Department of Corrections and Rehabilitation, Office of Appeals. Do not resubmit this claim to the Office of Grievances.

Staff Signature	Title	Date/Time
J. Prudhel [PRJO002]	Reviewing Authority	04/10/2023



## OFFICE OF GRIEVANCE S DECISION

**Offender Name:** THOMAS, PAUL ANTHONY

**Date:** 04/11/2023

**CDC#:** AZ2563

**Current Location:** SAC-Facility B

**Current Area/Bed:** B 005 2 - 020001U

**Log #:** 000000377176

### Claim #: 001

**Received at Institution/Parole Region:** California State Prison, Sacramento

**Submitted to Facility/Parole District:** SAC-Facility B

**Housing Area/Parole Unit:**

**Category:** Offender Classification

**Sub-Category:** Other Classification Issue - NOS

### I. CLAIM

The claimant is requesting copies of all documentation pertaining to an incident that occurred on July 17, 2021, at California State Prison Sacramento pertaining to an ongoing court case he is involved in. Claimant alleges they have not received any documents from that day due to being retaliated against for potentially exposing Sergeant Wiro and Officer Avila of staff misconduct.

### II. RULES AND REFERENCES

#### A. CONTROLLING AUTHORITY

California Code of Regulations (CCR), Title 15, Section(s):

3320 - Hearing Procedures and Time Limitations

3481 - Claimant's Ability to Grieve and to Appeal

#### B. DOCUMENTS CONSIDERED

Grievance Log No. 377176

RVR Log No. 7104821

Incident Report Log No. 25226

### III. REASONING AND DECISION

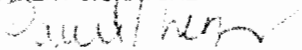
The grievance, RVR Log No. 7104821, and Incident Report Log No. 25226, dated July 17, 2021, were reviewed. A review of the claimant's Disciplinary section in the Strategic Offender Management (SOMS) shows that claimant was served a copy of the District Attorney (DA) referral and Incident Report No. 25226, with all documents pertaining to the incident on July 17, 2021. These documents were served to the claimant on December 16, 2021, by Officer J. Capossele.

Staff did not violate CDCR policy with respect to one or more of the issues raised in this grievance. ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE. As such, the details of supervisorial reviews will not be shared with offender claimants. A variety of personnel actions may be initiated by the Department based upon the content of your allegation. If you wish to appeal the decision and/or exhaust administrative remedies, you must appeal to the Office of Appeals.

### IV. Comments

## Page 2 of 2

CDCR 7362 (Rev. 03/19)

<b>PART I: TO BE COMPLETED BY THE PATIENT</b>			
If you believe this is an urgent/emergent health care need, contact the correctional officer on duty.			
<b>REQUEST FOR:</b>	MEDICAL <input checked="" type="checkbox"/>	MENTAL HEALTH <input checked="" type="checkbox"/>	DENTAL <input type="checkbox"/> MEDICATION REFILL <input type="checkbox"/>
<b>NAME</b> THOMAS, PAUL	<b>CDCR NUMBER</b> FE-0963	<b>HOUSING</b> B5-118	
<b>PATIENT SIGNATURE</b> 		<b>DATE</b> 03/17/2023	
<b>REASON YOU ARE REQUESTING HEALTH CARE SERVICES.</b> (Describe your health problem and how long you have had the problem) COPIES OF PHYSICIAN NOTES RE: MENTAL HEALTH NOTE FROM [illegible] DATED 02/15/2021 AND 02/16/2021 AS THE [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]			
NOTE: IF THE PATIENT IS UNABLE TO COMPLETE THE FORM, A HEALTH CARE STAFF MEMBER SHALL COMPLETE THE FORM ON BEHALF OF THE PATIENT AND DATE AND SIGN THE FORM			

# PROOF OF SERVICE

(C.C.P. §§1013(a); 2015.5, 28 U.S.C. §1746)

I, 4/18/23, am over the age of eighteen (18) years,  
and I (am) (am not) a party to the within cause of action. My address is:

CSP-SAC-B-5-220  
P.O. Box 290066  
Represas, Ca. 9567

On, 4/18/23, I served the following documents:  
"Plaintiff OBJECTIONS", Request for Court Order

on the below named individual(s) by depositing true and correct copies thereof in  
the United State mail in Represa, California, with postage fully prepaid thereon,  
addressed as follows:

1. U.S. District Court for The  
E. Dist. of California  
2500 Tulare st. #1501  
fresno Ca. 93721-1318

2. Dept. of Justice  
Office of The Attorney General

I have read the above statements and declare under the penalty of perjury of  
the laws of the State of California that the foregoing is true and correct.

Executed this 18<sup>th</sup> day of April, 2023, at California State  
Prison - Sacramento, Represa, California.

x (Signature)

P. Thomas